



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

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Los Angeles Regional Water Quality Control Board

Minutes of September 11, 2003 Regular Board Meeting held at Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California

INTRODUCTION

The meeting was called to order by Chairperson Cloke at 9:20am.

Board Members Present

Susan Cloke, Francine Diamond, R. Keith McDonald, H. David Nahai, and Tim Shaheen

Board Members Absent

Julie Buckner-Levy, Brad Mindlin, Christopher Pak

Staff Present

Dennis Dickerson, Deborah Smith, David Bacharowski, Robert Sams, Ronji Harris, Michael Lauffer, Jack Price, Jenny Newman, Laura Gallardo, Jon Bishop, Blythe Ponek-Bacharowski, Paula Rasmussen, Kwangil Lee, David Hung, Mazhar Ali, Cassandra Owens, Veronica Cuevas-Apulche, Raymond Jay, Valerie Carillo, Hugh Marley, Jesus Plasencia, Joyce Wang

Others Present

Councilwoman Jan Perry, Los Angeles City Council
Dr. Paul Simon, Los Angeles County,
Department of Health
Gary Washburn, representing
Assemblyman Keith Richman
Mark Gold, Heal the Bay

Dr. Bill Stratton, Office of Environmental Health
Hazard Assessment
Bob Haueter, representing Supervisor
Antonovich
Gideon Kracov, City Attorney Delgadillo's Office
Dave Edwards, BFI

Todd McIntyre, Mayor Hahn's Office
Valerie Shaw, City of Los Angeles,
Board of Public Works
Judy Wilson, City of Los Angeles,
Board of Public Works
Jim Langley, City of Los Angeles
Board of Public Works
Baron Miya, City of Los Angeles,
Board of Public Works
Nicole Bernson, representing Councilman
Greig Smith
Sharon Rubalcava, BFI
Roy Wolfe, Metropolitan Water District

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Mel Blevins, Upper LA River Area Watermaster
David Rothhart, LA County Sanitation Districts
Mary Edwards, North Valley Coalition
Anne Ziliak, LASER
Mary Ellen Crosby

Wayde Hunter, North Valley Coalition
Cherie Mann
Barbara Iversen
Mary Ann Kienholz
Kim Thompson

Pledge of Allegiance

5. Executive Officer's Report

The Executive Officer updated the Board on the upcoming Water Quality Awards to be held on October 23, 2003, the upcoming Malibu pathogen TMDL workshop, the upcoming workshop for the Boeing Santa Susana Field Lab permit, the power plant entrainment task force meeting, recent enforcement actions, and perchlorate sampling at Santa Susana and in Simi Valley.

6. Public Forum

Los Angeles City Councilmember Jan Perry discussed a proposed constructed wetlands in her district.

The Board members thanked Councilmember Perry for her work.

4. Board Member Communications and Ex Parte Disclosure

Board Member Nahai reported that he had a telephone conversation with Burbank Councilmember Todd Campbell.

Board Chair Cloke reported that she had met with members of the Los Angeles City Council regarding the dismissal of the stormwater permit and trash TMDL lawsuits.

Vice Chair Diamond reported that she also attended a number of meetings with City Councilmembers to discuss the stormwater permit and trash TMDL lawsuits.

1. Roll Call

2. Order of Agenda.

There were no changes to the agenda.

3. Approval of Minutes for Minutes for July 10, 2003, July 24, 2003, and August 7, 2003.

The Board moved to adopt the minutes with a correction to the Board Member Communications and Ex Parte Disclosure section in the August 7, 2003 minutes.

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MOTION: By Vice Chair Diamond, seconded by Board Member Mindlin, and approved on a voice vote.

7. Uncontested Items

The Board adopted the following items on the consent calendar: 8.1 - 8.9, 9.1 - 9.3, and 10.1 – 10.3.

MOTION: By Board Member Nahai, seconded by Vice Chair Diamond, and approved on a voice vote. No votes in opposition.

11. Amended Cease and Desist Order (CDO) for the City of Los Angeles ECIS

Paula Rasmussen, Chief, Enforcement and Groundwater Permitting Unit, gave the staff report. She presented background on the current CDO, including historical sanitary sewer overflows and the need for the East Central Interceptor Sewer (ECIS) to avoid overflows in the future. She reviewed the problems the City faced while constructing the ECIS and why they needed an extension to their current CDO. She stated that staff felt that the City had exercised due diligence and recommended an 11-month extension.

Valerie Shaw, President, City of Los Angeles Board of Public Works, supported staff's recommendation. She reviewed the actions undertaken by the City to keep the project on schedule.

Mark Gold, Heal the Bay, asked that the extension proposed be the last one allowed for the ECIS project or the North East Interceptor Sewer (NEIS) project.

Board Questions

Vice Chair Diamond asked the City to comment on the time needed to complete the ECIS and NEIS projects.

Ms. Shaw replied that City staff was confident that this was the final date for the ECIS and that the final date for the NEIS was realistic too.

Chair Cloke asked if the City was committed to a high level of resource expenditure in order to cope with future project obstacles.

Ms. Shaw replied that the City was now better equipped to deal with unforeseen problems.

Boar Member Nahai suggested the deletion of footnotes A and B on page 1 of the change sheet.

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Michael Lauffer, Staff Counsel, suggested language adding footnote C to page 2 of the change sheet and deleting footnotes A and B on page 1 of the change sheet.

There was a motion to approve the staff recommendation with the changes to footnotes A, B, and C.

MOTION: By Chair Cloke, seconded by Vice Chair Diamond, and approved on a voice vote. No votes in opposition.

17. Sunshine Canyon Landfill Waste Discharge Requirements

Dennis Dickerson, Executive Officer, gave the staff report. He presented background on the continuation of the item from the July 24, 2003 meeting and reviewed the issues that staff were directed to address, including:

- *Sewer system capacity to accept collected landfill leachate*
- *Potential impacts on drinking water resources*
- *Corrective action program*
- *Revision of groundwater monitoring program*
- *Characterization of the 1-4 dioxane plume detected beneath the closed portion of the landfill*
- *Landfill liner upgrade*
- *Wetlands impacts and mitigation measures*
- *Final closure requirements of the City portion of the landfill*
- *Oak tree mitigation measures*
- *Fugitive dust emissions and odors*
- *Trash reduction program*
- *Seismic stability of the landfill*
- *Cumulative impacts of the entire project*
- *Possible health impacts to local communities*

Dr. James Stratton, medical epidemiologist, California Office of Environmental Health Hazard Assessment, reviewed the process for conducting health studies, including the need to determine a link between the landfill and an increased risk of cancer. He stated that there was no detectable migration of contamination from the landfill in groundwater or surface water. He also stated that there were no potential pathways via soil or air. He stated that if there was no pathway of exposure determined, then it was unnecessary to conduct a health study. However, he did review the methods available to conduct a health study.

Dr. Paul Simon, medical epidemiologist, Los Angeles County Department of Public Health, stated that there was no indication of excess illness in areas near the landfill. He emphasized the high quality of cancer registry data used to make this determination. However, he stated that there was a disconnect between what science was saying and

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what the community was saying. He discussed the possible ways that the County could address the disconnect and stated the commitment by the County to do so.

The following representatives for elected officials then spoke in opposition of the WDRs:

*Gary Washburn, representing Assemblyman Keith Richman
Bob Haueter, representing Supervisor Antonovich
Todd McEntyre, representing Mayor Hahn
Nicole Bernson, representing Councilman Greig Smith
Gideon Kracov, City Attorney Delgadillo's Office*

Dave Edwards, representing Browning Ferris Industries, introduced the discharger presentation.

Sharon Rubalcava, representing BFI, stated that there were no water quality related health impacts posed by the landfill, discussed the wetlands mitigation, and reviewed the regulatory requirements for the WDRs.

Dr. Bertrand Palmer, representing BFI, discussed the liner system and monitoring wells.

Chris Funk, representing BFI, discussed the phasing of the project, oak tree mitigation, cancer cluster studies, and closure requirements.

Dr. Shari Libicki, representing BFI, discussed air quality monitoring and dust control.

The following people spoke in support of the WDRs:

*Mel Blevins, representing the Watermaster's Office of the San Fernando Valley
Roy Wolfe, Metropolitan Water District
Joel Simonian, AMW Industries Incorporated*

The following people spoke in opposition to the WDRs:

*David Rothbart, City of Los Angeles Bureau of Sanitation
Wayde Hunter, North Valley Coalition
Mary Edwards, North Valley Coalition
Mary Ann Kienholz, North Valley Coalition
Mary Ellen Crosby, North Valley Coalition
Kim Thompson, North Valley Coalition*

Board Questions

Board Member Shaheen asked about the water quality issues under review by the Department of Water Resources.

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Rod Nelson, Chief, Landfill unit, replied that BFI and DWR were participating in discussions and were working out remaining issues.

Vice Chair Diamond asked how long it would take for dioxane in the leachate to leak to groundwater.

Mr. Nelson replied that the dioxane was detected under the City portion of the landfill, not the County portion. However, he discussed the possible travel time through the clay and the composite liner systems by dioxane if it was in the County-side leachate. He said the actual time for possible leakage is unknown, though.

Vice Chair Diamond asked if staff had looked into mitigating wetlands in the area of the landfill.

Raymond Jay, Chief, Non-Point Source unit, replied that staff had not yet fully approved the 401 certification, but that they would normally require mitigation to occur all in one area. He stated that the Board could direct staff to require a portion of the mitigation to occur in the landfill area.

Chair Cloke asked if the loss of native California plants that were not part of the wetlands mitigation would be separately mitigated.

Mr. Jay replied that section 401 of the CWA required the mitigation for habitat that is similar to the habitat impacted.

Michael Lauffer added that section 401 only covers wetland and riparian habitats and that the mitigation of other types of habitats would have been addressed in the FSEIR.

Mr. Lauffer then reviewed the Board's jurisdiction and authority.

Chair Cloke asked how long it would take for the open County portion of the landfill to be filled.

Rod Nelson replied that the amount of remaining capacity that could be used was a question of stability.

Dennis Dickerson added that various constraints suggested that the expansion was needed soon.

Board Member Shaheen asked the County how they would address the disconnect between results from scientific studies and concerns of the community.

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Dr. Simon replied that the County needed to 1) look more carefully at the cancer data, including the number of tracts studied and the types of cancer reported and 2) have meetings with the community and conduct oral surveys.

Board Member McDonald asked how long before the results of the study would become available.

Dr. Simon replied that it would take about 30 days to develop a plan and another four to six months to implement it.

Vice Chair Diamond asked if the Mayor's Office and the City Council would oppose a permit for the landfill if it was before council today.

Mr. McIntyre replied that the Mayor's office would oppose the permit. He added that a different Mayor and City Council approved the original permit.

Ms. Bernson replied that the 1999 decision by the council was an approval for a zone change and that the 12th district opposed it then as it does now.

Vice Chair Diamond asked the same question of Antonovich's representative.

Bob Haueter replied that Antonovich did not support the landfill expansion in the past and would not support it today.

Vice Chair Diamond asked about the capacity issues at the existing County portion of the landfill.

Dave Edwards replied that on a daily basis, the landfill diverts 2000 tons/day in order to comply with their permit. He added that the remaining overall capacity would last through spring of next year.

Chair Cloke asked how the landfill addressed e-waste.

Mr. Edwards replied that e-waste was prohibited and that the landfill had a sensitive load checking program.

The Board members and staff counsel discussed the impacts of the proposed County health study on the WDRs.

There was a motion to continue the item for 60 days in order to hear the initial plan for the County health study.

MOTION: By Board Member Nahai, seconded by Board Member Shaheen, and approved on a voice vote. No votes in opposition.

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Adjournment of Current Meeting

The meeting adjourned at 5:46 pm. The next regular meeting is scheduled for October 2, 2003, at the City of Simi Valley Council Chambers, 2929 Tapo Canyon Road, Simi Valley, at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting
submitted/amended.

Written and submitted by: _____.

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